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OFFICE OF PETITIONS

In re	:	
Date et al.	:	
Application No. 09/434,498	:	RECONSIDERATION OF
Filing Date: November 5, 2999	:	PATENT TERM ADJUSTMENT
Attorney Docket: ASAIN0058	:	

This decision is in response to Applicants' REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN THE NOTICE OF ALLOWANCE timely¹ filed on October 12, 2006 requesting that the Office reconsider the PTA determination in view of the Office not providing any delays under 37 CFR 1.702(a)(1).

Applicants request for PTA reconsideration is **DISMISSED**.

Applicants assert that the determination of Zero (0) days of applicants delay is not accurate. Applicant submitted a list of entry dates for filing of the action as well as the date that the Office initially replied.

Applicants' submission is not persuasive because this application is not eligible for PTA. Accordingly, the grounds of Office delay and applicant delay enumerated in 37 CFR 1.702-1.705 are not applicable to this application. Rather, the only grounds in which the applicants may receive administrative delay are enumerated in 37 CFR 1.701.² This application is not eligible for PTA because the filing date of the application was filed prior to May 29, 2000.

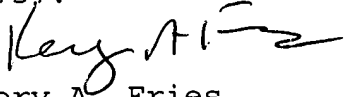
¹Issue fee paid with/after filing of request for reconsideration of PTA..

²Under PTE, applications filed between June 8, 1995 and May 28, 2000, applicants not assessed any reductions against patent term but the grounds in which applicants may receive additional term are limited .

After the mailing of this decision, the Office will forward this application to the Office of Patent Publications for a prompt issuance of the application into a patent.

The Office has assessed the required \$200.00 petition fee. No additional fees are required by the Office in determining this request.

Any questions relating to this decision should be directed to Kery A. Fries, Office of Patent Legal Administration, at 571-272-7757.

A handwritten signature in black ink, appearing to read "Kery A. Fries", with a stylized flourish at the end.

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner for
Patent Examination Policy

cc: PTE calculation